

**IN THE UNITED STATES DISTRICT COURT  
OF THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

SCOTT ALLDER,

Plaintiff

v.

ROADCLIPPER  
ENTERPRISES INC. d/b/a  
DIAMOND C TRAILERS,

Defendant.

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Civil Action No. 5:23-cv-00013-RWS-JBB

**ORDER**

The above-captioned case was referred to United States Magistrate Judge J. Boone Baxter pursuant to 28 U.S.C. § 636. On October 17, 2023, the Magistrate Judge issued a Report and Recommendation, *sua sponte*, recommending that Plaintiff's case be dismissed with prejudice for failure to state a claim and also for failure to amend as ordered. Docket No. 35.

No objections to the Report and Recommendation have been filed.<sup>1</sup> Because no objections have been filed, Plaintiff is barred from *de novo* review by the District Court of the Magistrate Judge's findings, conclusions, and recommendations; and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *See Duarte v. City of Lewisville*, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, Case No. 4:21-CV-00203-RAS, 2021 WL 3287683, at \*1 (E.D. Tex. July 31, 2021).

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<sup>1</sup> On September 1, 2023, Plaintiff Scott Allder, proceeding *pro se*, provided his consent to receive electronic notice of all court filings. Docket No. 29. Therefore, Plaintiff received notification of the Report and Recommendation on October 17, 2023.

The Court has carefully reviewed the Report and Recommendation and agrees with the Magistrate Judge that Plaintiff's case should be dismissed with prejudice for failure to state a claim and for failure to amend as ordered. Accordingly, it is

**ORDERED** that the Report and Recommendation of the Magistrate Judge (Docket No. 35) is **ADOPTED** as the opinion of the District Court. It is further

**ORDERED** that the above-captioned case is **DISMISSED WITH PREJUDICE** for failure to state a claim and for failure to amend as ordered. It is further

**ORDERED** that any pending motions in the above-captioned case are **DENIED**. A final judgment will be entered in this case in accordance with this Order.

**So ORDERED and SIGNED this 1st day of November, 2023.**

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE